

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOME-A-NATION, LLC,

Plaintiffs,

v.

ORDER

BLUE SKY INTERNATIONAL, INC., et al.,

No. 20-CV-05862 (PMH)

Defendants.

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PHILIP M. HALPERN, United States District Judge:

The Court GRANTS the request for leave to move for a default judgment against defendant Turf Nation that was made in Plaintiff's counsel's affidavit in response to the November 3, 2021 Order to Show Cause. (Doc. 50).

By January 14, 2022, Plaintiff shall file, in accordance with the applicable Rules and this Court's Individual Practices, a motion for default judgment which includes:

- a. an attorney's affidavit, attaching true and correct copies of all necessary supporting exhibits, setting forth clearly:
 - i. why a default judgment is appropriate, including a description of the method and date of service of the summons and complaint;
 - ii. whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of liability and/or damages prior to the resolution of the entire action (see Fed. R. Civ. P. Rule 54(b));
 - iii. what, if any, effect the pending bankruptcy of Blue Sky International has on the the instant application;
 - iv. if applicable, legal authority for why an inquest is unnecessary; and
 - v. if applicable, the basis for an award of attorney's fees and costs.

- b. an affidavit from a party with personal knowledge of damages and the basis for each element of damages, including interest, attorney's fees, and costs (unless requesting an inquest), attaching as exhibits, at a minimum, the contract(s) and other agreements at issue, and proof of payment of the amount(s) in controversy;
- c. a Statement of Damages;
- d. a memorandum of law (see Individual Practices Rule 4.H) explaining how service of process was proper under the Federal Rules of Civil Procedure; and how plaintiff's proof satisfies the burden of proof associated with the request; and
- e. a proposed default judgment.

Dated: White Plains, New York
November 16, 2021

SO ORDERED:



Philip M. Halpern
United States District Judge